

APPEAL NO. 031092
FILED JUNE 18, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 25, 2003. The hearing officer determined that the appellant (claimant's attorney) is entitled to attorney's fees, with regard to second quarter supplemental income benefits (SIBs), for the period of July 29, 2002, through December 11, 2002, in the amount of \$3,260.00 out of \$4,140.00. The claimant's attorney appealed, asserting that the hearing officer abused his discretion in reducing the attorney's fees for travel time. No response was filed.

DECISION

Reversed and rendered.

The hearing officer erred in determining that the claimant's attorney is entitled to fees in the amount of \$3,260.00. The hearing officer found that \$200.00 is a reasonable hourly rate for attorney's fees in SIBs cases. Notwithstanding, the hearing officer awarded the claimant's attorney only \$100.00 per hour for reasonable travel time to appear in proceedings before the Texas Workers' Compensation Commission. The hearing officer provided no rationale for this determination. We discern no reason that the claimant's attorney should be paid less for travel time than for other time spent on the case. See Texas Workers' Compensation Commission Appeal No. 012073, decided December 17, 2001. Accordingly, we conclude that the hearing officer abused his discretion in reducing the attorney's fees. Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986).

For the reasons set forth above, we reverse the hearing officer's decision and order and render a new decision that the claimant's attorney is entitled to attorney's fees in the amount of \$4,140.00.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge